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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. 4002019006246

14 **ONOFRE GASMEN AYROSO**

15 5156 Brentford Way
El Dorado Hills, CA 95762

ACCUSATION

16 **Registered Nurse License No. 706273**
17 **Nurse Practitioner Certificate No. 95004482**
Nurse Practitioner Furnishing Certificate
18 **No. 95004482**

Respondent.

19
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21 **PARTIES**

22 1. Loretta Melby, R.N., M.S.N. (Complainant) brings this Accusation solely in her
23 official capacity as the Acting Executive Officer of the Board of Registered Nursing (Board),
24 Department of Consumer Affairs.

25 2. On or about July 5, 2007, the Board issued Registered Nurse License Number 706273
26 to Onofre Gasmen Ayroso (Respondent). The Registered Nurse License was in full force and
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1 effect at all times relevant to the charges brought herein and will expire on November 30, 2020,
2 unless renewed.

3 3. On or about June 30, 2016, the Board issued Nurse Practitioner Certificate Number
4 95004482 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all
5 times relevant to the charges brought herein and will expire on November 30, 2020, unless
6 renewed.

7 4. On or about August 29, 2016, the Board issued Nurse Practitioner Furnishing
8 Certificate Number 95004482 to Respondent. The Nurse Practitioner Furnishing Certificate was
9 in full force and effect at all times relevant to the charges brought herein and will expire on
10 November 30, 2020, unless renewed.

11 **JURISDICTION**

12 5. This Accusation is brought before the Board under the authority of the following
13 laws. All section references are to the Business and Professions Code (Code) unless otherwise
14 indicated.

15 6. Code section 2750 provides, in pertinent part, that the Board may discipline any
16 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
17 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

18 7. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
19 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
20 to render a decision imposing discipline on the license.

21 **STATUTORY PROVISIONS**

22 8. Code section 2761 states, in pertinent part:

23 The board may take disciplinary action against a certified or licensed nurse or
24 deny an application for a certificate or license for any of the following:

25 (a) Unprofessional conduct....

26 ...

26 **COST RECOVERY**

27 9. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **BACKGROUND INFORMATION**

6 10. At all relevant times set forth herein, Respondent was employed as a nurse
7 practitioner at the medical office of D.Y. M.D., Inc. (medical office).

8 11. On or about October 11, 2018, a non-verbal 84 year-old female (AD) with a history
9 of dementia, chronic decubiti, hypertension, and diabetes, presented to the medical office where
10 she was seen by Respondent. The chief complaint, as reported by her caregiver, was of foul
11 smelling urine, a bloody diaper, and a skin tear to AD's left wrist. Respondent examined AD
12 while she was in a reclined position in her wheelchair as her caregiver was unable to lift AD to
13 the exam table. Due to AD's frail nature and thin skin, Respondent only opened and examined the
14 front area of AD's diaper instead of removing the entire diaper. Based on AD's presentation and
15 symptoms as reported by her caregiver, Respondent prescribed an antibiotic to treat a possible
16 urinary tract infection (UTI) and the skin tear on AD's left wrist.

17 12. On or about November 2, 2018, AD returned to the medical office with a still present
18 UTI and a possible pressure ulcer. The doctor found a Stage IV pressure ulcer on AD's left hip, a
19 Stage IV pressure ulcer on AD's sacrum, and a Stage II pressure ulcer on AD's right hip. In
20 addition, the doctor noted a 10 cm skin tear on AD's left arm. AD was immediately taken to the
21 hospital where her final diagnosis included a Stage III pressure ulcer of the sacral region, a Stage
22 II pressure ulcer of the right hip, a Stage IV pressure ulcer of left hip, and a UTI.

23 **CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
26 on the grounds of unprofessional conduct in that while working as a nurse practitioner at D. Y.
27 M.D., Inc., located in Sacramento, California, Respondent demonstrated unprofessional conduct
28 as set forth above in paragraphs 10 through 12, and as follows:

a. Respondent failed to remove AD's diaper and fully expose the genitourinary region to investigate where the bleeding and odor were originating from.

b. Respondent failed to take AD's temperature or obtain a urine sample to confirm the presence of a UTI.

c. Respondent failed to conduct a thorough examination of AD when she had all the known risk factors for developing pressure injuries (age, chronic medical conditions, and thin skin).

PRAAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 706273, issued to Onofre Gasmen Ayroso;


2. Revoking or suspending Nurse Practitioner Certificate Number 95004482, issued to Onofre Gasmen Ayroso;

3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 95004482, issued to Onofre Gasmen Ayroso;

4. Ordering Onofre Gasmen Ayroso to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: March 26, 2020

 for
LORETTA MELBY, R.N., M.S.N.
Acting Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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